PURDUE UNIVERSITY: Commercial feeds—Vitamins, newly discovered, classified as new materials or new foods.

August 13, 1936.

Hon. H. R. Kraybill,
State Chemist and
Seed Commissioner,
Purdue University,
Lafayette, Indiana.

Dear Sir:

Receipt is acknowledged of your letter and request dated July 28, 1936, wherein you quote Section 16-1011 of Burns Indiana Statutes Annotated, 1933, and wherein you present the following question: "Should this definition be so interpreted as to include under 'concentrated commercial feeding stuff,' substances or materials which are claimed to furnish vitamin potency?"

In your request you use the term "concentrated commercial feeding stuff," which term is found in Section 16-1011, Burns Indiana Statutes Annotated, 1933, the same being Chapter 206, Section 11 of the Acts of 1907. It is noted with interest that you quote in your request from the following authorities: Mendel, Sherman and Morrison. These authorities discuss important developments in the chemistry field as applied to feed and feeding; to new discoveries and the importance of vitamins as being essential food stuffs.

Section 16-1011, Burns Indiana Statutes Annotated, 1933, reads as follows:

"The term 'concentrated commercial feeding stuff' as used in this Act, shall include linseed meals, coconut meals, gluten feeds, gluten meals, germ feeds, corn feeds, maize feeds, dairy feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, dried distillers' grains, dried beet refuse, hominy feeds, cerealine feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts and other mill by-products not excluded in this Section, ground beef or fish scraps, dried blood, blood meals, bone meals, tankage, meat meals, slaughter house waste products, mixed
feeds, clover meals, alfalfa meals and feeds, peavine meal, cottonseed meal, velvet bean meal, sucrene, mixed feeds and mixed meals made from seeds or grains, and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market stock and poultry feeds; but it shall not include straw, whole seeds, unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, nor wheat flours or other flours.” (Our italics.)

Careful study of the statutes pertaining to commercial feeding stuffs, which are Sections 10-1001 to 16-1011, inclusive, Burns Indiana Statutes Annotated, 1933, reveals that commercial feed stuffs should have a minimum percentage of (1) crude fat and (2) crude protein. These sections further reveal that certain standards as to the percentage of both of the last mentioned elements are fixed and adopted for concentrated commercial feeding stuff by the Association of Official Agricultural Chemists of the United States.

It is noted further with interest that Section 16-1011, pertaining to “concentrated commercial feeding stuff” shall include numerous food materials therein named and that said Section concludes with the following significant language: “And all materials of similar nature used for food for domestic animals.” By this language it is inferred that not all of the food stuffs have been named or mentioned. Therefore, if, in the field of chemistry, any additional food stuffs have been discovered, and if it be a fact that the different vitamins mentioned in your request of July 28, 1936, are classed as foods or food stuffs, then it is my opinion that the language of the statute is broad enough to cover, and in fact does specifically say and include “all materials of similar nature.”

Therefore, my answer to your question: “Should this definition be so interpreted as to include under ‘concentrated commercial feeding stuff,’ substances or materials which are claimed to furnish vitamin potency?”, is in the affirmative.